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**COUNSEL FOR WALTER  
O'CHESKEY, CO-PROPONENT OF  
THE CONFIRMED PLAN AND  
TRUSTEE OF THE AHF  
LIQUIDATING TRUST**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

**In re:**

**American Housing Foundation,**

**Debtor.**

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**Chapter 11**

**Case No.: 09-20232-RLJ**

**MOTION FOR AUTHORITY TO FILE OBJECTION  
TO CLAIMS PER CONFIRMED PLAN**

Walter O'Cheskey, a co-proponent of the chapter 11 plan confirmed by this Court and the duly appointed and acting Trustee (the "**Trustee**") of the AHF Liquidating Trust, hereby files this *Motion for Authority to File Objection to Claims Per Confirmed Plan* (the "**Motion**"). In support of the Motion, the Trustee respectfully represents as follows:

**I.**  
**JURISDICTION AND VENUE**

1. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding pursuant to 28 U.S.C. § 157. Venue is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409.

**II.**  
**BACKGROUND**

2. On December 8, 2010, this Court entered its *Findings of Fact, Conclusions of Law, and Order Confirming Second Amended Joint Chapter 11 Plan Filed by the Chapter 11 Trustee and the Official Committee of Unsecured Creditors* [Docket No. 1918] (the “**Confirmation Order**”), confirming the *Second Amended Joint Chapter 11 Plan Filed by the Chapter 11 Trustee and the Official Committee of Unsecured Creditors* [Docket No. 1909] (the “**Plan**”). Section 10.02 of the Plan provides, in relevant part:

Notwithstanding anything herein to the contrary, the Liquidating Trust will not file an objection to Claims or adversary complaint without prior permission from the Trust Oversight Committee or from the Bankruptcy Court after notice and hearing and upon a showing of (i) reasonable grounds to file such an objection and (ii) a cost-benefit analysis of any proposed claim objection or adversary proceeding.

Plan, ¶ 10.02.

3. The Effective Date of the Plan was January 1, 2011. *See* Docket No. 1966.

**III.**  
**RELIEF REQUESTED AND BASIS THEREFOR**

4. By filing this Motion, the Trustee requests that the Court, after notice and a hearing, grant the Trustee authority to file the complaint attached hereto as Exhibit A.

5. The statute of limitations for the Trustee to file complaints lapses on June 11, 2011, which is two years from the date of the order for relief. 11 U.S.C. § 108. Accordingly, the

Trustee requests that a hearing on the Motion be set as soon as possible given the Court's calendar, but in no event later than May 27, 2011. Due to the quickly-approaching deadline, the Trustee is amenable to holding such hearing in Lubbock if the Court so desires.

6. In conformity with Section 10.02 of the Plan, the Trustee requested permission from the AHF Trust Oversight Committee (the "**Committee**") before filing this Motion. However, as of the filing of this Motion, the Committee has either refused or not yet responded to the Trustee's request. If the Committee provides consent before the hearing, the Trustee will withdraw this Motion.

WHEREFORE, the Trustee respectfully requests that the Court enter an order (a) granting this Motion, (b) setting a hearing on this Motion as soon as possible given the Court's calendar, but in no event later than May 27, 2011, and (c) awarding the Trustee such other and further relief as it deems just and appropriate.

*[Signature to Follow]*

Dated: April 15, 2011

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

This is to certify that, according to this Court's ECF System, a true and correct copy of the foregoing was served electronically on those parties registered to receive such service on April 15, 2011.

/s/ Marcus A. Helt  
Marcus A. Helt